## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JESSICA MACK and JEREMY MACK, : individually and as husband and wife, :

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Plaintiffs, : CIVIL ACTION NO. 19-5106

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AVERTEST, LLC, d/b/a AVERHEALTH, CHRISTINE DARRAH, in her individual capacity only, and JOHN DOES 1-10,

v.

:

Defendants.

## **ORDER**

AND NOW, this 28th day of April, 2020, after considering: (1) the amended complaint against Avetest LLC ("Avertest"), John Does 1-10, and Christine Darrah ("Darrah") filed by Jeremy and Jessica Mack ("the Macks") (Doc. No. 13); (2) the motion to dismiss for failure to state a claim filed by Darrah (Doc. No. 15); (3) the motion to dismiss filed by Avertest (Doc. No. 16); (4) the Macks' response in opposition to Avertest's motion to dismiss (Doc. No. 22); (5) the Macks' response in opposition to Darrah's motion to dismiss (Doc. No. 26); (6) oral argument on the motions to dismiss held on February 24, 2020; (7) the Macks' memorandum regarding Darrah's motion to dismiss (Doc. No. 32); (8) Darrah's memorandum regarding her motion to dismiss (Doc. No. 33); (9) Darrah's reply to the Macks' memorandum regarding Darrah's motion to dismiss (Doc. No. 34); (10) the Macks' reply to Darrah's memorandum regarding her motion to dismiss (Doc. No. 36); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. Darrah's motion to dismiss (Doc. No. 15) is **GRANTED** and the Macks' claims against Darrah are **DISMISSED WITH PREJUDICE**;

- 2. The Macks' claims against Avertest are **DISMISSED WITHOUT PREJUDICE** to the Macks seeking relief in the appropriate state court as the court declines to exercise jurisdiction over the state law claims raised against Avertest;
  - 3. Avertest's motion to dismiss (Doc. No. 16) is **DENIED AS MOOT**; and
  - 4. The clerk of court is **DIRECTED** to mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith EDWARD G. SMITH, J.